

CITY OF MUSKEGON  
**PLANNING COMMISSION**  
REGULAR MEETING  
MINUTES

**July 15, 2021**

T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, B. Mazade, T. Michalski, J. Doyle, J. Montgomery-Keast, S. Gawron, F. Peterson, D. Keener

MEMBERS ABSENT: E. Hood

STAFF PRESENT: M. Franzak, C. Cashin

OTHERS PRESENT: T. Puffer of 851 W. Laketon Ave., J. Whalen and N. Johnson of Fresh Coast Alliance, Timothy Stoker representing Fresh Coast Alliance, D. VanDerSchaaf Contractor for 149 Shoreline Dr., M. Campbell of Hot Rod Harley, A. Harris of Dockers, B. Vukits of Harbour Towne Condominium Association

**APPROVAL OF MINUTES**

A motion to approve the Minutes of the regular Planning Commission meeting on June 10, 2021 was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

**PUBLIC HEARINGS**

**Hearing, Case 2021-20**

Request for a special use permit to expand a non-conforming structure at 851 W Laketon Ave, by Terry Puffer.  
SUMMARY

1. The majority of the property is zoned B-4, General Business. The rear portion of the lot is zoned R-2.
2. The building is used for commercial/office and residential.
3. The property owner is requesting to add a 24' x 30' garage to the front of the building. Please see the enclosed site plan.
4. The current building does not meet the required eight foot minimum side setback. The current building is setback less than a foot from the alley. The owner is requesting to continue that same setback with the addition.
5. Non-conforming structures are allowed to be increased no more than 30%. This addition to the non-conformity falls well below the 30% threshold.
6. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

Staff recommends approval of the special use permit.

One resident called in opposition of this case. Time was allotted for public comment. No comments were received. A motion by L. Spataro was made to close the public hearing, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request for a special use permit to expand a non-conforming structure at 851 W Laketon Ave be approved was made by J. Doyle, supported by F. Peterson and unanimously approved.

### **Hearing, Case 2021-21**

Request to rezone the property at 1128 Roberts St from R-1 Single-Family Residential Low Density to MC Medical Care, by Fresh Coast Alliance.

#### **SUMMARY**

1. The property is zoned R-1, Low Density Single Family Residential.
2. The lot measures 2.3 acres and has an existing building that measures 15,500 feet.
3. Please see the enclosed attachment from the applicant regarding their current and proposed uses. They are currently operating out of a portion of the building for social support and community benefit purposes related to the church. They are proposing to use the vacant land on site to develop two housing units for inpatient recovery support services.
4. A small 535 sf addition is proposed to the existing building.
5. The two proposed housing units would both measure 4,772 sf and include parking lot additions. It would also include the addition of a garage. The Muskegon County Drain Commissioner would have to approve the stormwater plan for these additions.
6. Both uses would require a rezoning to Medical Care. Any use that involves lodging of people requires a special use permit.
7. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had received several emails (enclosed) in support of the project, however, none of them appear to be residents of the neighborhood.

J. Whalen, the Executive Director of Fresh Coast Alliance, spoke about the mission of Fresh Coast Alliance and their need for a larger space and residential facilities. T. Stoker, representing Fresh Coast Alliance, stated that they are willing to have conditions put into the Medical Care rezoning, if staff or neighbors are concerned about future uses of this property. L. Spataro asked if the Fresh Coast Alliance recovery centers will be licensed, J. Whalen stated that they currently hold four State substance abuse licenses and will get an additional one for the residential facilities and they are accredited by the Joint Health Commission. D. Keener asked what the recovery rate is and who typically uses the programs. J. Whalen stated that their success rate after six months of treatment is 71% and their clients are all there voluntarily and the program is open to all adults, not just people getting out of prison/jail. The current church and Fresh Coast Alliance are separate entities and the church will leave after about one year.

Fourteen letters of support were emailed in regarding this case, see attached. Time was allotted for public comment. Seven neighbors spoke not in favor of the project (most concerned about parking, traffic, trash around facility and safety) and six new supporters spoke in favor of the project. A motion by J. Montgomery-Keast was made to close the public hearing, supported by L. Spataro and unanimously approved.

L. Spataro and J. Montgomery-Keast let it be known that they both work in mental health positions.

A motion that the request to rezone the property at 1128 Roberts St from R-1 Single-Family Residential Low Density to MC Medical Care be recommended to the City Commission for approval was made by D. Keener, supported by J. Montgomery-Keast and unanimously approved.

### **Hearing, Case 2021-22**

Request for departure from dimensional requirements for a building addition at 149 Shoreline Dr, by Muskegon Downtown Believers LLC.

#### **SUMMARY**

1. The property is zoned Form Based Code, Neighborhood Core.
2. The applicant is requesting to add an existing diner car to the side of the building that faces Shoreline Dr. Please see enclosed site plan and pictures. The diner car would be moved from an existing location outside of the City.
3. This would be considered a "Retail Building" addition according to the code.
4. The following departures from the "Retail Building" section are as follows:
  - a. The building façade is required to be placed at the zero lot line in the front.
  - b. Building width at front street shall be built to a minimum of 90% of the overall width of the front street

property line.

- c. Building shall have a parapet and cornice expression line.
  - d. Required 18" to 30" high storefront base.
5. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

Staff recommends approval of the request. These departures are minor and cannot be easily modified since it is an existing building that would be relocated on site.

D. VanDerSchaaf and M. Campbell discussed the history of the diner car and how it will be used on this property. M. Campbell said they will not be a full kitchen at the diner, only finger foods. The space will mostly be used for meetings or as an attraction.

Time was allotted for public comment. No comments were received. A motion by J. Montgomery-Keast was made to close the public hearing, supported by J. Doyle and unanimously approved.

A motion that the requested departures for the proposed building addition at 149 Shoreline Dr be approved was made by J. Montgomery-Keast, supported by D. Keener and unanimously approved.

### **Hearing, Case 2021-23**

Request to rezone the property at 1128 Roberts St from R-1 Single-Family Residential Low Density to MC Medical Care, by Fresh Coast Alliance.

#### **SUMMARY**

1. The property is zoned R-1, Low Density Single Family Residential.
2. The lot measures 2.3 acres and has an existing building that measures 15,500 feet.
3. Please see the enclosed attachment from the applicant regarding their current and proposed uses. They are currently operating out of a portion of the building for social support and community benefit purposes related to the church. They are proposing to use the vacant land on site to develop two housing units for inpatient recovery support services.
4. A small 535 sf addition is proposed to the existing building.
5. The two proposed housing units would both measure 4,772 sf and include parking lot additions. It would also include the addition of a garage. The Muskegon County Drain Commissioner would have to approve the stormwater plan for these additions.
6. Both uses would require a rezoning to Medical Care. Any use that involves lodging of people requires a special use permit.
7. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had received several emails (enclosed) in support of the project, however, none of them appear to be residents of the neighborhood.

Staff recommendation: If the property is rezoned, staff recommends approval of the request with the following conditions:

1. A stormwater permit is obtained from the Muskegon Count Drain Commissioners Office.
2. The proposed garage is moved to behind the existing building and shares the proposed parking lot of the new residential building.
3. A landscaping plan is approved by staff that includes canopy trees along the terrace of Roberts St and McLaughlin Ave. and all other required landscaping within the front setbacks.
4. The Fire Marshall approves the location of any necessary hydrants.
5. Review location of residential buildings.

J. Whalen mentioned that the reasoning behind the separation of the residential buildings was to have some separation between the men's building and the women's building and to create a green space between the one residential building and the current church building.

Time was allotted for public comment. One resident had public comment. A motion by J. Montgomery-Keast was made to close the public hearing, supported by J. Doyle and unanimously approved.

A motion that the request for a Special Use Permit to allow inpatient Recovery Support Services contingent upon the approval of the property being rezoned to MC Medical Care and contingent upon staff recommendations be approved was made by F. Peterson, supported by D. Keener and unanimously approved.

#### **NEW BUSINESS:**

B. Neff of 2389 Dowd St. informed the commission of an issue with his neighbor not having a fence around their pool. He has been trying to get this handled, with no success. He asked for additional assistance getting this issue fixed. Commission offered to refer the matter to M. Franzak.

#### **OLD BUSINESS**

None

#### **UPDATES ON PREVIOUS CASES:**

None

#### **OTHER**

#### **Hearing, Case 2021-18**

Request for an amendment to the Harbour Towne Planned Unit Development to allow for a storage container to be placed at 2505 Marina View Point (Dockers).

\*The City Commission requested to bring this case back to the Planning Commission after the applicant discusses design options with the Harbour Towne Association. At this time, staff does not have an update on those discussions.

SUMMARY (from last month's staff report)

1. The property is part of the Harbour Towne Planned Unit Development (PUD).
2. A storage building was not part of the original PUD, so it requires an amendment to the PUD.
3. The container is currently located on site and was being used temporarily during construction. The applicant is now in need for permanent storage for the restaurant facility. The applicant is proposing to paint the container and add murals to it as well.
4. The container is larger than 200 sf (320 sf), so the Inspections Department would require a building permit for it to become a permanent structure.
5. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had received one comment from Chris and Beth Cok, 1466 W Harbour Towne Cir who are opposed to a container and would prefer similar construction materials as used in the restaurant building.
6. Please see the enclosed site plan and rendering.

Staff recommends approval of the request as long as the trailer is removed.

B. Mazade was concerned that this case was not a public hearing this time around. M. Franzak said that City Commission did not request that there be another public hearing, only that the Planning Commission ask that Dockers speak to Harbour Towne Condominium Association about what the association would like to see in that space.

A. Harris stated that he shared their shipping container plans with Harbour Towne Condominium Association. B. Vukits, President of Harbour Towne Condominium Association, said that Harbour Towne wants Dockers to be successful, but they also want the area to be maintained and look nice, not only for residents of Harbour Towne, but for all of Muskegon. They would also appreciate that unused equipment be stored appropriately and not left out in and around the restaurant. And

they ask that the structure that gets put there be architecturally consistent, not necessarily match Harbour Towne Condos, but something that would blend in to the surrounding architecture.

A motion that the Planning Commission concur with their previous opinion of the storage container at 3505 Marina View Point and send this back to the City Commission for their recommendation was made by L. Spataro, supported by J. Montgomery-Keast and unanimously approved.

### **ADJOURN**

There being no further business, the meeting was adjourned at 6:30 PM.

**Hearing, Case 2021-21 & 23 - Public Comments**

<b>Name</b>	<b>Address</b>	<b>Support or Opposed</b>
Ron Morsefield	1254 Catherine	Opposed
Beatrice Burnham	1229 E. Isabella	Opposed
Glenda Moore	1236 E. Isabella	Opposed
Kenneth Crawford	1257 E. Isabella	Opposed
Mike Petrowski	1128 Roberts (owner of current church)	Support
Angie Sprank	3842 Richmond St NW, Grand Rapids, MI	Support
Bridget Shepard	1229 E. Isabella	Opposed
Mary Ware	1125 McLaughlin (also sent letter)	Support
Stephen Thiele	6474 Scott St, Twin Lake, MI (also sent letter)	Support
Joan Chidester	1236 McLaughlin	Opposed
Vicki Ware	2255 Leif Ave	Support
Chip Hackney	3792 Warnack Ridge, Fruitport, MI	Support
Jeff Martineau	1516 Peck St	Support
Char Barton	1441 Montgomery	Support
Melissa Vaandering	1175 Roberts	Opposed